

County of Loudoun
Department of Planning
MEMORANDUM

DATE: September 1, 2009

TO: Judi Birkitt, Project Manager
Land Use Review

FROM: Marie Genovese, AICP, Planner
Community Planning

SUBJECT: ZMAP 2008-0021, Kincora Village Center – Second Referral

EXECUTIVE SUMMARY

NA Dulles Real Estate Investor LLC is requesting approval to rezone approximately 336.64 acres from the PD-IP (Planned Development – Industrial Park) zoning district under the 1972 Loudoun County Zoning Ordinance to the PD-MUB (Planned Development – Mixed Use Business) zoning district under the Revised 1993 Loudoun County Zoning Ordinance in order to develop a mixed-use project consisting of approximately 2.7 million square feet of office uses, 970,000 square feet of commercial retail and service uses, 1,400 multi-family residential dwelling units, and civic and open space uses. The subject property is located in the Sterling Community of the Suburban Policy Area within an area planned for Keynote Employment uses with a portion of the property also having a Destination Retail Overlay. Areas planned for Keynote Employment uses are envisioned as 100% premier office or research-and-development centers supported by ancillary retail and personal services for the employees ranging from a 0.4 floor area ratio (FAR) up to a 1.0 FAR or 5.8 million square feet up to 14.6 million square feet of non-residential uses for the subject property. Plan policies do not envision residential development within areas planned for Keynote Employment uses. In addition, residential development is not envisioned on the subject property due to its location within the Route 28 Tax District.

The existing PD-IP zoning district intended for light to medium industrial uses up to a 0.4 FAR is not consistent with the Keynote Employment or Destination Retail policies of the Plan. Staff notes that due to the legislation governing the Route 28 Tax District there is often a disconnect between a property's zoning and planned land use. The proposed PD-MUB zoning proposed for the subject site however, also does not implement the Plan's vision for the subject property as it requires a minimum amount of residential uses. The PD-MUB zoning district was developed to provide for mixed-use

communities within areas planned Business Community outside of the Route 28 Tax District. A rezoning to the PD-OP (Planned Development – Office Park) or PD-RDP (Planned Development – Research and Development Park) would better implement the Keynote Employment objectives of the Plan.

There are several fundamental land use issues identified by staff pertaining to the proposal.

1. The proposal is not consistent with the intent, recommended land use mix and economic strategy for Keynote Employment Centers, as defined in the Revised General Plan. The project proposes residential dwelling units, exceeds the amount of commercial retail and service uses and does not identify public and civic and parks and open space uses that conform to the recommended land use mix for Keynote Employment Centers;
2. The subject site is not located within any of the three locations specified within the Route 28 Tax District where residential development is permitted nor is the site designated for high-density residential uses. Notwithstanding the County's option to allow residential development to "buy out" of the District, any further increase in residential development reduces the viability of the Route 28 Tax District to fund future roadway improvements;
3. As this is an area of the County where residential development is not anticipated the fiscal costs associated with residential uses have not been projected into County budgetary plans. The proposed residential community is also isolated from the services that are intended to support it such as, schools, parks, etc. creating an auto dependent community which will increase transportation within the Route 28 Corridor;
4. The scale and intensity of proposed retail uses is not consistent with the high quality architectural design objectives of Keynote Employment areas. Offices would no longer be the defining architectural feature in the community;
5. Office uses are not the predominant use in each phase of the development; and
6. The design of the site is not consistent with the objectives of the Plan.

The application does not meet the policies of the Revised General Plan for planned Keynote Employment Centers. Although, staff cannot support the proposal due to significant and fundamental land use issues, staff has evaluated the proposed land use mix, phasing, and design as well as transportation, capital facility, and open space impacts should the application move forward.

BACKGROUND

NA Dulles Real Estate Investor LLC proposes to rezone approximately 336.64 acres from PD-IP (Planned Development – Industrial Park) to PD-MUB (Planned Development – Mixed Use Business) to develop a mixed-use community that includes approximately 2.7 million square feet of office uses; 970,000 square feet of commercial retail and service uses, including a 575,000 square foot (720 room) hotel/conference center; 1.5 million square feet of multi-family residential (1,400 dwelling units); and civic and open space uses, including a 167-acre passive park along the Broad Run. The applicant is also proposing modifications to the Zoning Ordinance, Facilities Standards Manual (FSM), and Land Subdivision and Development Ordinance (LSDO). On July 21, 2009 the Board of Supervisors approved a special exception (SPEX 2008-0054) for a minor league baseball stadium, office uses, and commercial retail and service uses on a portion of the property (see Vicinity Map).

The property is located within the Route 28 Highway Improvement District south of Route 7, north of Severn Way, west of Route 28 and east of the Broad Run (See Vicinity Map). Development surrounding the site includes Dulles Town

Center to the east across Route 28, Loudoun Water's Broad Run Reclamation facility to the west, and Loudoun Square and Cross Creek Business Center to the north.

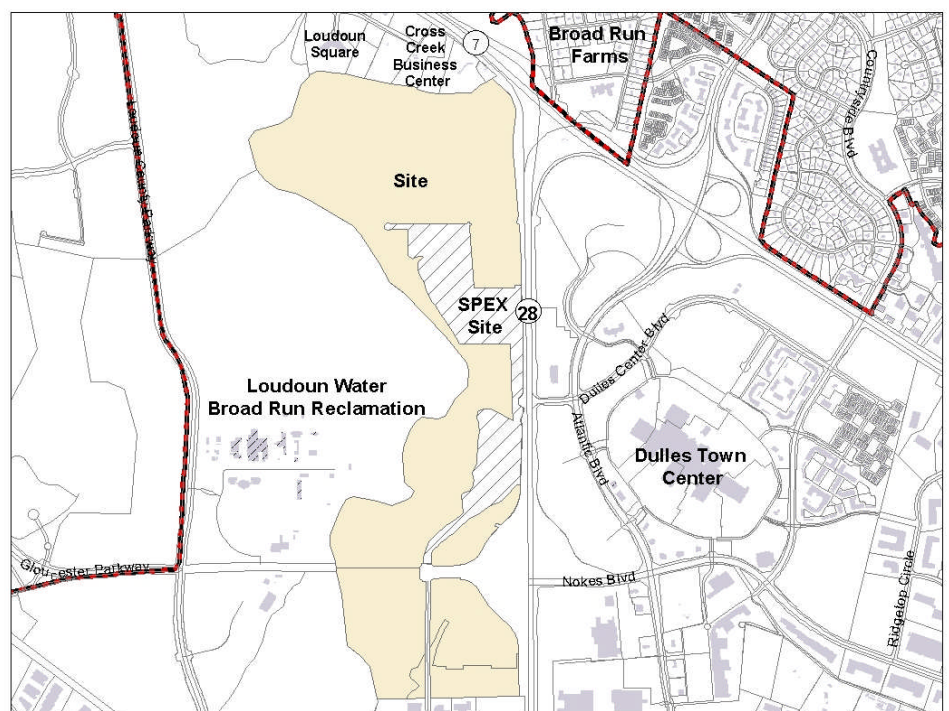
The applicant has responded to Community Planning's first referral dated May 5, 2009. While the applicant has addressed some of the issues since the first referral, the main issue pertaining to inconsistency with the designated planned land use remains. Staff has outlined outstanding issues below.

OUTSTANDING ISSUES

A. LAND USE

The Revised General Plan identifies the site as suitable for Keynote Employment uses with a portion of the property having a Destination Retail Overlay (Revised General

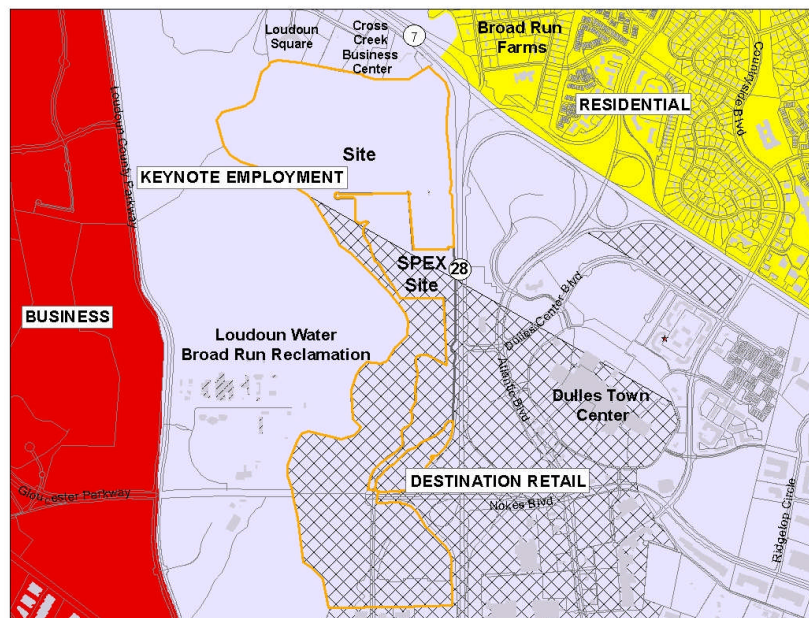
Vicinity Map



Plan, Chapter 7, Planned Land Use Map). The Destination Retail Overlay provides an additional development option, allowing for a property to develop with either Destination Retail uses or a use that conforms with the underlying land use designation (*Retail Plan, Corridor Based Retail, Destination Retail Policy 2*). It is the applicant's decision which land use they wish to pursue; however, it is not the Plan's intent that aspects of the two planned land use designations be intermingled with each other. The applicant's Statement of Justification provides they wish to pursue office development consistent with Keynote Employment uses; however, they also seeking to develop residential uses which are inconsistent with the Plan.

The intent of the Keynote policies is to provide 100-percent premier office or research-or-development centers along major corridors supported by ancillary retail and personal services for employees of the development (*Revised General Plan, Chapter 6, Keynote Employment Centers Text*). The Plan specifically precludes residential development within areas planned for Keynote Employment (*Revised General Plan, Chapter 6, Keynote Employment Centers Text*). Furthermore, the subject property is also located within the Route 28 Highway Improvement Tax District, which limits residential development to three specific locations as well as areas designated as high density residential on the Planned Land Use Map (*Revised General Plan, Chapter 6, General Residential Policy 3*). The subject site is not located in an area within the Route 28 HITD where residential uses are permitted.

Planned Land Use



The applicant is proposing a mixed-use development consisting of approximately 2,722,200 square feet of office uses, 973,825 square feet of commercial service and retail uses (includes 575,000 square feet of hotel uses), 1,544,000 square feet of

residential uses or 1,400 dwelling units, and 277,000 square feet of public, civic, and institutional uses to be developed in phases. The proposed mixed-use development is not consistent with the intent and land use mix for Keynote Employment Centers, as defined in the Revised General Plan. As this is an area of the County where residential development is not anticipated the proposed residential community is isolated from the services that are intended to support it such as, schools, parks, etc. creating an auto dependent community which will increase transportation within the Route 28 Corridor (for example, children in this community would travel to Ashburn for school, Cascades for the library, and Claude Moore Park for sports). In addition, residential development within the Route 28 Tax District in an area where it is not intended reduces the viability of the district to fund future roadway improvements (*CTP, Appendix 3, Special Tax Districts*).

Until such time as the Board of Supervisors changes policies regarding such uses within Keynote Employment areas, staff can only support an application that meets current policies.

The proposed residential land uses are not consistent with the Keynote Employment policies of the Plan. Staff recommends the applicant remove residential land uses from the proposal. Until the Board of Supervisors provides a different vision for this area, staff can only support Destination Retail or Keynote Employment uses.

As stated above, staff cannot support the proposed rezoning; however if this application is considered further the following should be addressed:

B. LAND USE MIX

Table 1 below summarizes the recommended land use mix for Keynote Employment in the Revised General Plan (*Revised General Plan, Chapter 6, Keynote Employment Center Policy 4*).

**Table 1: Recommended Keynote Employment
Land Use Mix (as a % of land area)**

Keynote Employment Land Use Categories	Minimum Required	Maximum Permitted
Regional Office	70%	85%
Commercial Retail & Services	0%	10%
Public & Civic	5%	no maximum
Public Parks & Open Space	10%	no maximum

Residential development is not permitted in areas planned Keynote Employment nor within the project's location within the Route 28 Tax District. If the application is considered further it may be appropriate to use the recommended land use mix for Regional Office developments as outlined in Table 2 below for the northern portion of

the property since this portion of the Kincora project resembles a mixed-use regional office development and the Keynote Employment land use mix for the southern portion of the property where the application is not proposing a residential component.

**Table 2: Recommended Regional Office
Land Use Mix (as a % of land area)**

Regional Office Land Use Categories	Minimum Required	Maximum Permitted
High Density Residential	15%	25%
Regional Office	50%	70%
Commercial Retail & Services	0%	10%
Light Industrial/Flex	0%	20%
Overall Commercial & Light Industrial	0%	20%
Public & Civic	5%	no maximum
Public Parks & Open Space	10%	no maximum

As stated in the first referral, the land use percentages defined by the applicant are not provided as a percentage of land area, but rather are based on the development's maximum floor area; therefore, staff is unable to determine if the uses exclusive of residential meet the land use mix as defined by the Plan. For vertically-integrated mixed-use developments like Kincora, staff uses the same methodology the County has historically used for other developments, whereby the land use is calculated based on the percentage of the acreage equivalent to the use. The applicant has included in this submission square footage of use by land bay (Sheet 13, Concept Plan Tabulation Sheet); however, it is difficult to determine the size of each land bay based on the information provided. Furthermore, it does not appear that the information provided on Sheet 13 as well as the Concept Plan (Sheets 8-12) correspond with the proffers. For instance, Sheet 13 provides that Land Bay Q, south of the Gloucester Parkway/Route 28 interchange will not consist of retail or hotel uses and Land Bay N, north of the Gloucester Parkway/Route 28 interchange will not consist of office uses and retail uses located within this land bay will be limited to 29,000 square feet, while Sheets 8 and 9 of the Concept Plan show office, retail, and hotel uses within Land Bay Q and retail, hotel, and civic uses within Land Bay N. Proffer IB2 however provides that no freestanding retail sales establishment will be located along the Pacific Boulevard frontage of the property, except for the area in Land Bays N and Q. Also, Proffer IB4 states that residential uses will be located in Land Bays A, C, D, and E while Sheet 13 as well as the Concept Plan (Sheets 11-12) provide that residential uses will be located in Land Bays A, C, D, E, and F. Lastly, Sheet 13 provides that Land Bay D will consist of office, retail, and residential uses while Sheets 11 and 12 provide that Land Bay D will consist of residential and retail uses only.

In the first referral, staff raised concerns regarding integration of the proposed uses with each other as well as the now approved special exception uses. Based on the information provided in this submission, it appears that the applicant is proposing a

mixed-use community in the northern portion of the subject property, while the southern portion of the property is providing the office, retail and commercial service, and civic uses. This is demonstrated further in the June 2009 Kincora Design Standards in which the applicant states "The northern parcels of Kincora are a true mixed-use community integrating office, residential, retail, entertainment, and a Minor League baseball park, all with ample parking facilities. The southern parcels include office, retail, a hotel, and space for a fire safety center". Therefore, if the application is considered further it may be appropriate to apply the Regional Office land use mix to the northern portion of the project and the Keynote Employment land use mix to the southern portion of the project.

Staff requests the applicant specify on the proffered Concept Plan (Sheets 8-12) and the Concept Plan Tabulation Sheet (Sheet 13) a breakdown of land use mixes, measured as a percentage of the land area. The breakdown should correspond with the land use mix for Regional Office developments for the northern portion of the subject site and Keynote Employment for the southern portion of the subject site (see further discussion below). The Concept Plan (Sheets 8-12), Concept Plan Tabulation Sheet (Sheet 13), and proffers should all be revised to accurately depict the proposed uses within each land bay.

If the application is considered further, staff has provided an estimate of the anticipated land use mix for Regional Office developments for the northern portion of the site and Keynote Employment for the southern portion of the site. While staff cannot provide a thorough analysis of the anticipated land use mix due to the lack of information provided, Tables 3 and 4 below provide the minimum and maximum land use potential for the subject property as currently proposed. Dividing the property into Regional Office and Keynote Employment reduces the recommended number of residential units but retains the same overall recommended employment and retail floor areas.

Table 3: Regional Office Land Use Mix – Northern Portion of the Subject Property¹

Regional Office Land Use Categories*	Minimum Required	Minimum Development	Maximum Permitted	Maximum Development	Proposed
High Density Residential	15%	432 dus	25%	720 dus	1,400 dus
Regional Office	50%	1.5 mil. sq. ft. 0.4 FAR	70%	2.2 mil. sq. ft. 0.4 FAR	1.9 mil. sq. ft.
		3.9 mil. sq. ft. 1.0 FAR		5.4 mil. sq. ft. 1.0 FAR	
Commercial Retail & Services ²	0%	0	10%	93,610 sq. ft.	369,825 sq. ft. ³ 844,825 sq. ft. ⁴
Light Industrial/Flex	0%	0	20%	627,264 sq. ft. 0.4 FAR	0
				1.5 mil. sq. ft. 1.0 FAR	
Overall Commercial & Light Industrial	0%	0	20%	627,264 sq. ft. 0.4 FAR	369,825 sq. ft. ³ 844,825 sq. ft. ⁴
				1.5 mil. sq. ft. 1.0 FAR	
Public & Civic	5%	9.0 acres	no maximum		207,000 sq. ft.
Public Parks & Open Space	10%	18 acres	no maximum		

¹Based on approximately 180 acres, inclusive of floodplain being developed as Regional Office as depicted on the Concept Plan Tabulation Sheet (Sheet 13). Residential land uses based on a maximum of 16 dwelling units per acre (*Revised General Plan, Chapter 6, High-Density Residential Use Policy 1*), Non-residential land uses based on a .4 to 1.0 FAR (*Revised General Plan, Chapter 6, Suburban Policy Area Land Use Matrix*).

²The Retail Plan limits commercial retail and service uses to 5% of the gross floor area measured in square feet of the non-residential development, or 93,610 square feet for the 1,872,200 square feet of office uses proposed within the northern portion of the subject site (*Retail Plan, Employment Supportive Retail Center Policy 2*).

³Commercial retail and services square footage exclusive of the proposed hotel square footage.

⁴Commercial retail and services square footage inclusive of the proposed hotel square footage.

Table 4: Keynote Employment Land Use Mix – Southern Portion of the Subject Property¹

Regional Office Land Use Categories*	Minimum Required	Minimum Development	Maximum Permitted	Maximum Development	Proposed
Regional Office	70%	1.9 mil. sq. ft. 0.4 FAR	85%	2.3 mil. sq. ft. 0.4 FAR	850,000 sq. ft.
		4.7 mil. sq. ft. 1.0 FAR		5.7 mil. sq. ft. 1.0 FAR	
Commercial Retail & Services ²	0%	0	10%	42,500 sq. ft.	29,000 sq. ft. ³ 129,000 sq. ft. ⁴
Public & Civic	5%	7.75 acres	no maximum		70,000 sq. ft.
Public Parks & Open Space	10%	15.5 acres	no maximum		

¹Based on approximately 150 acres, inclusive of floodplain being developed as Keynote Employment as depicted on the Concept Plan Tabulation Sheet (Sheet 13). Regional Office uses based on a .4 to 1.0 FAR (*Revised General Plan, Chapter 6, Suburban Policy Area Land Use Matrix*).

²The Retail Plan limits commercial retail and service uses to 5% of the gross floor area measured in square feet of the non-residential development, or 42,500 square feet for the 850,000 square feet of office uses proposed within the southern portion of the subject site (*Retail Plan, Employment Supportive Retail Center Policy 2*).

³Commercial retail and services square footage exclusive of the proposed hotel square footage.

⁴Commercial retail and services square footage inclusive of the proposed hotel square footage.

Retail

While the Plan limits retail and commercial service uses to 10% of the gross land area, the Retail Plan further limits the retail component within office and employment developments to 5% of the gross floor area (measured in square feet) of the non-residential uses in the development (*Retail Plan, Employment Supportive Retail Center Policy 3*). Based on the floor area of office proposed, 2.7 million square feet, the applicant is limited to 136,110 square feet of employment supportive retail. The applicant is proposing 398,825 square feet of retail exclusive of commercial service uses (i.e., hotels), representing approximately 14.7% of the gross floor area of the proposed office land uses. The July 23, 2009 proffers provide that at least 200,000 square feet of the proposed retail uses will consist of employment supportive uses and has included examples of such uses (Proffer IB2). The proffers further provide that with the exception of grocery stores, health and fitness centers, and specialty retail sales establishment offering merchandise and programs related primarily to outdoor recreational uses and activities, each of which may contain up to 80,000 square feet, no individual retail sales establishment shall exceed 50,000 square feet (Proffer IB2). The Retail Plan calls for Freestanding Retail, individual stores larger than 50,000 square feet to locate in areas designated for Destination Retail Centers (*Retail Plan, Freestanding Retail Policy 1*). In addition, as the types of retail uses envisioned to support the office and residential uses are intended to be smaller scale, pedestrian-oriented uses, the 50,000 square foot limit for individual retail sales establishments is also not consistent with Plan policies. Large scale retail uses serve a regional market, relying almost solely

on automobile access which is not consistent with a pedestrian-oriented mixed-use development. While a portion of the property does have a Destination Retail Overlay it is the Plan's intent that a property develop with either Destination Retail uses or the underlying land use designation (*Revised General Plan, Chapter 7, Planned Land Use Map*).

The response to staff's comments provides that the proposed grocery store, health club, and/or specialty sporting goods retail store will be integrated into the overall development and will be supportive of the principal uses on the property. However, no information has been provided regarding the location of these proposed uses and how they will be integrated into the overall development. Therefore, staff maintains that the proposed 80,000 square foot cap for a grocery store, health club, and specialty sporting goods retail store as well as the 50,000 square foot limitation for all other retail uses does not meet the intent of the Plan, which calls for employment supportive retail uses to be designed and scaled for the intended service population (*Retail Plan, General Retail Policies Text*).

Staff recommends the applicant reduce the amount of retail uses to a total of 136,110 square feet or 5% of the total office uses in the development. As stated previously, the Plan does not support residential development on the subject site; however, if the application is considered further it may be appropriate to consider additional retail uses to support the residents of the mixed-use community provided they are of a scale and intensity consistent with the Plan. The proffers should be updated limiting the size of the proposed retail uses to ensure they are of a scale that serves primarily the convenience needs of the business and residential uses. Staff recommends committing to smaller scale retail uses to ensure the development of pedestrian-oriented uses. If the applicant continues to pursue retail uses greater than 50,000 square feet, staff requests information pertaining to how these uses will be integrated into the community and not serve as Destination Retail uses.

Hotel

The submitted proffers (IB3) provide that one or more hotel uses will be located on the subject site not to exceed a total of either 575,000 square feet or 720 rooms and that at least one of the hotels shall be a "full service hotel" including a range of services and amenities, including a sit-down restaurant, room service, concierge services, and meeting rooms. The Concept Plan Tabulation Sheet (Sheet 13) displays three separate locations adjacent to Route 28 for potential hotel uses. Staff notes that there are several hotels along the Route 28 Corridor and continues to question the need for more than one hotel use on the subject site (see Market Study discussion below). Any hotel use proposed for the subject site should be a full service hotel serving the office development, consisting of dividable meeting space and restaurant uses.

Staff recommends limiting the number of hotels to one. Staff further recommends the applicant commit to minimum square footages of meeting space and restaurant uses within the proposed hotel.

Residential

The applicant is proposing a maximum of 1,400 multi-family dwelling units on the subject property. As stated previously, the location of the residential units as described in the proffers does not correspond with the location as depicted on the Concept Plan Tabulation Sheet (Sheet 13). The proffers provide that if a zoning permit has not been issued for the baseball stadium approved with SPEX 2008-0054 prior to commencement of construction of greater than 1,550,000 square feet of non-residential uses, then the maximum number of residential dwelling units will be 1,100 (Proffer IB4). The response to staff's comments provides that in accordance with the requirements of the PD-MUB District, a minimum of 10 percent of the total gross floor area will be provided as residential use. Staff notes that the PD-MUB District does not implement the Plan's vision for the subject site, which does not permit residential uses. If residential uses are considered further the units should follow significant employment development to ensure the employees working in the community the best opportunity to reside in these units.

Open Space and Civic Space

The Plan calls for at least 10 percent of the land in Regional Office developments as well as Keynote Employment areas to be dedicated to parks and open space uses (33.66 acres) and at least 5 percent of the land to be dedicated to public and civic uses (16.83 acres) (Revised General Plan, Chapter 6, Regional Office Use Policy 2 & Keynote Employment Center Policy 4). Open space shall consist of a mix of active, passive, and natural as appropriate and be within 1,500 feet of all dwelling units (Revised General Plan, Chapter 6, Open Space Policies 1 & 4). The Plan recognizes the critical role outdoor space plays in mixed-use, high-density residential areas due to the increased concentration of residents. Sufficient space should be provided in the form of neighborhood and community parks, greens, trails, and greenbelts taking the form of a larger central facility with numerous smaller parks and playgrounds at appropriate locations throughout the neighborhood (Revised General Plan, Chapter 11, High-Density Residential Design Guidelines). Furthermore, the provision of useable outdoor spaces is encouraged in retail areas (Retail Plan, Design Guidelines). Buffer areas, "leftover spaces", stormwater management facilities (with the exception of wet ponds that are developed with year-round amenities), parking and street landscaping cannot account for more than 25% or 8 acres of the required open space (Revised General Plan, Chapter 6, Open Space Policies 3 and 9). While the river and stream corridor resource may count towards the open space requirement, no more than 50% or 16 acres may be satisfied by this area (Revised General Plan, Chapter 6, Open Space Policy 6).

Proffer IB6 provides that a minimum of 10% of the property will be devoted to parks and/or open space and that no more than 25% of the required buffers and “leftover spaces” will be credited toward the minimum 10% open space requirement. The proffers go on to provide that open space area may include tot lots, pocket parks, stormwater management facilities, seating areas, pathways, and similar passive recreational amenities. Please note that stormwater management facilities cannot account for more than 25% of the required open space unless they are developed as wet ponds with year-round amenities. Without additional information it does not appear that seating areas would meet the Plan’s intent for open space areas. Staff notes the applicant has included Open Space Plans (Sheets 34 and 35) which show “natural” open space within the river and stream corridor resource, “natural” areas outside of the river and stream corridor resource, and “remaining” open space outside of the river and stream corridor resource. Staff notes that while these sheets are for illustrative purposes it appears that most of the open space areas outside of the river and stream corridor resource are “leftover spaces” and cannot account for more than 25% of the required open space. It does not appear that any active open space areas are being proposed in conjunction with the proposed residential uses. The Revised General Plan outlines the type and minimum size of open space amenities that can count towards meeting the open space requirement of the land use mix (Revised General Plan, Chapter 6, Open Space Policies). Without additional information, staff cannot determine if the open space requirement of the Plan is being met.

Staff recommends that 16.83 acres of parks and open space outside of the river and stream corridor resource and including no more than 8 acres of “leftover areas” be identified on the Concept Plan and Concept Plan Tabulation Sheet to meet the land use mix requirement. Information pertaining to the type and size of open space provided as well as the timing should be included to ensure the intent of the Plan is being met (See Chapter 6, Open Space Policies for those areas that meet the definition of open space). Staff also requests the applicant commit to the types of amenities envisioned for active and passive open space areas.

The proffers also need to be revised to be consistent with the intent of the Plan stating that no more than 50% of the required open space will be located within the river and stream corridor resource, remove seating areas from the list of open space areas, and include that only stormwater management facilities that are constructed as wet ponds with year round amenities may count towards meeting the open space requirement. Staff further recommends updating the proffers, committing to a minimum amount of active open space within areas planned for residential uses to ensure the residents are adequately served by the proposed development.

Civic space includes community centers, small churches, fire and rescue facilities, schools, non-profit day care centers, plazas, public art, and entrance features (Revised

General Plan, Chapter 6, Open Space Policy 2 & Glossary). The submitted proffers provide that a minimum of 5% of the total floor area to be constructed on the property will be devoted to public/civic/institutional uses (Proffer IB5). Staff notes that the land use mix as defined in the Plan calls for 5% of the total land area rather than the total floor area.

The submitted proffers provide examples of the types of civic space that may be provided to include village greens, plazas, sculpture and flower gardens, picnic areas, gazebos, government offices, public meeting halls, libraries, museums, community club houses, community centers, post offices, day care facilities, church sites, performing arts centers, amphitheaters, and a public use site. The proffers also include commitments for a 2-acre performing arts center and related civic uses (Proffer IG), a 10,000 square foot central plaza (Proffer IH), and a five-acre public use site (Proffer VIA). While these facilities may count towards meeting the civic space requirement of the land use mix, staff notes that the proffers include wording that relieves the applicant of the 2-acre performing arts center requirement if a similar facility is located within a 5-mile radius. While staff understands that the 2-acre site may not be suitable for a performing arts center if a similar facility is developed in close proximity; if the applicant wishes to count this towards meeting the civic space requirement then the proffers need to be amended to provide that the 2-acres will be provided for some other civic amenity if the performing arts center is not located on site. Staff also notes that while Proffer VIA states that the applicant will provide a minimum of five buildable acres (i.e., an area not encumbered by floodplain, wetlands, or very steep slopes) within Land Bay N for a fire and rescue, sheriff substation and/or other governmental purposes, Land Bay N appears to be located partially within the river and stream corridor resource (See River and Stream Corridor Resource discussion below).

Furthermore, please note that a gazebo does not typically meet the civic space requirement for a development of this size and a day care center must be a non-profit facility to count towards meeting the civic space requirement of the land use mix. The applicant has provided a Civic Space Exhibit (Sheets 32 and 33), which show possible public, civic, and institutional uses totaling 15.10 acres and a possible 81,000 square foot or 1.86 acres central plaza however, staff notes the applicant is not providing any commitments to conformity with these sheets. The civic space as depicted on these sheets does not appear to accurately show potential civic space. For example, staff notes that an office building in Land Bay J is shown as a civic use and the central plaza is not actually central to the mixed-use community. Staff recommends locating the central plaza at the end of Road 6 creating a focal point for the community.

Staff recommends the applicant provide at least 5% of the total land area, or 16.83 acres as public and civic uses. The size, location and phasing of all public and civic uses should be clearly and correctly identified on the Concept Plan and quantified on the Concept Plan Tabulation Sheet to accurately calculate the amount of civic space proposed. Staff recommends the applicant commit to the

central plaza in a central location within the northern portion of the site where the applicant is proposing the mixed-use community. Staff recommends the applicant commit to minimum civic amenities located throughout the site to ensure that the residents and employees will be adequately served. The proffers should be updated to list only those uses that meet the definition of civic space as identified in the Plan.

The submitted proffers include the minimum amounts of employment, commercial, residential, and public/civic/institutional uses based on the total floor area to be constructed on the property (Proffer IB). Staff is unable to calculate the minimum square footage devoted to each use as Proffer IB includes the total non-residential square footage and the maximum number of dwelling units rather than the total floor area to be constructed on the property. Staff notes that the total square footage proposed as depicted on the Concept Plan Tabulation Sheet (Sheet 13) is 5,517,025 square feet.

Staff recommends updating the proffers to reflect the total floor area for the development to accurately calculate minimum square footage by use.

C. PHASING

Policies call for a phasing plan to be included with all mixed-use projects to ensure a build-out relationship between residential and non-residential components of the project (Revised General Plan, Chapter 6, Land Use Pattern and Design Policy 6). The submitted proffers include linkages between non-residential and residential uses, including uses approved as part of SPEX 2008-0054, Kincora Village – Office/Recreational Complex¹. Table 5 below summarizes the linkages as proposed with the submitted proffers.

¹ SPEX 2008-0054, Kincora Village – Office/Recreational Complex, approved by the Board of Supervisors on July 21, 2009 is permitted to develop up to a 75,000 square foot baseball stadium, 901,211 square feet of office uses, and 74,000 square feet of retail uses.

Table 5: Proffer Linking Non-Residential Uses to Residential Development

	Non-residential*	Residential
Proffer IF1 – Phase 1	780,000 square feet 29% of the total non-residential uses 4% of the total office uses (maximum 195,000 sq. ft. retail, minimum 150,000 sq. ft. office)	928 dwelling units Approximately 1.02 million sq. ft. or 66% of the total residential uses (700 dus + 228 ADU and workforce housing units)
Proffer IF2 – Phase 2	1,500,000 square feet 30% of the total non-residential uses 22% of the total office uses (maximum 300,000 sq. ft. retail, minimum 800,000 sq. ft. office)	1,153 dwelling units Approximately 1.2 million sq. ft. or 82% of the total residential uses (925 dus + 228 ADU and workforce housing units)
		1,303 dwelling units** Approximately 1.4 million sq. ft. or 93% of the total residential uses (1,075 dus + 228 ADU and workforce housing units)
Proffer IF3 – Phase 3	No further linkage limitation on timing of residential uses once occupancy permits have been issued for more than 1,500,000 square feet of non-residential uses on the rezoning property and/or the special exception property	

*Does not include floor area associated with the proposed hotel use (575,000 sq. ft.) and may include non-residential development approved with the SPEX 2008-0054.

**If a zoning permit has been issued for the baseball stadium proposed with SPEX 2008-0054, then the applicant may develop up to 1,303 dwelling units as part of Phase 2.

While the proposed linkage proffers include minimum floor area requirements for office uses as well as maximum floor area requirements for retail uses, staff notes the non-residential floor area may include the proposed 575,000 square foot of hotel uses as well as uses approved as part of SPEX 2008-0054, Kincora Village – Office/Recreational Complex. Based on the total square footage of residential uses proposed, staff can estimate the square footage per residential unit to determine the total amount of square footage proposed within each phase as shown in the table above. Therefore based on the linkage proffers IF1 and IF2 office development on the property may consist of approximately 19% and 53% of the total non-residential uses proposed within each phase respectively; however, when looking at the total square footage proposed within each phase the total office development on the property is only 8% in phase one and 27% in phase two. In addition, phase one only proposes 29% of the total non-residential uses proposed with the rezoning and special exception applications (4% of the total office uses proposed) while proposing 66% of the total residential uses and phase two proposes 30% of the total non-residential uses proposed with the rezoning and special exception applications (22% of the total office uses proposed) while proposing up to 93% of the total residential uses. It is the Plan's intent for office uses to be the predominant use in terms of percentage of the site occupied in all phases of development (*Revised General Plan, Chapter 11, Light Industrial and Regional Office Design Guidelines*). This is consistent with the Retail Plan's policy guidance which calls for the retail component of an office development to be developed on a pro-rata basis in proportion to the non-residential development as

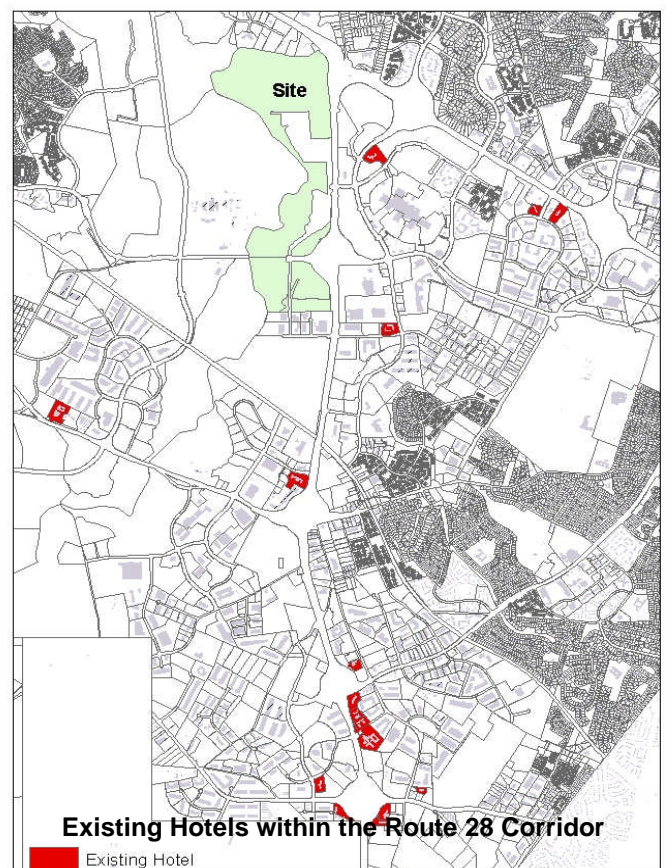
construction occurs. For example, for every 100,000 square feet of office space constructed, 5,000 square feet of retail space may be constructed (*Retail Plan, Employment Supportive Retail Center Policy 3*).

Staff recommends revising phasing of the development to ensure that office uses are the predominant use in all phases of the development. This can be accomplished by reducing the amount of residential development in each phase and increasing the amount of office uses. Staff further recommends reducing the amount of retail in each phase so that it is developed in proportion to the non-residential development as called for in the Retail Plan. Staff recommends that in addition to revising phasing of the development, the applicant commit to developing higher intensity office uses fronting Pacific Boulevard in the early phases of the development to ensure that office uses are not only the predominant use on the site, but also the predominant feature when viewed from periphery roads.

D. MARKET STUDY

As stated above, commercial retail and service uses in areas planned for Keynote Employment Centers should be ancillary to and support the office use (*Retail Plan, Employment Supportive Retail Centers, Policy 1*). They are not intended to attract “drive-by” shoppers or function as destination retail, and are generally limited to 10% of the gross acreage of the development or 5% of the gross floor area (measured in square feet) of the non-residential uses (*Revised General Plan, Keynote Employment Centers Policy 4b and Retail Plan, Employment Supportive Retail Centers Policy 2*). As noted in the Land Use section above, the proposed scale and intensity of retail uses is inconsistent with Plan policies. Over 390,000 square feet of commercial retail and service uses are proposed, excluding 575,000 square feet of hotel uses, far exceeding the 136,110 square feet² that are supported by Plan policies.

According to Proffer IB2 a minimum of 5% of the total floor area will consist of retail uses with a maximum of 398,825 square feet to



² 2,722,200 sq ft of proposed office uses x 0.05 = 136,110 sq ft of retail and commercial service uses

consist of non-hotel commercial uses. Of the 398,825 square feet, at least 200,000 square feet will be employment supportive uses. Proffer IB3 provides that one or more hotel uses will be developed, not to exceed 575,000 square feet or 720 rooms. At least one hotel will be developed as a “full service hotel”³. Staff notes that several hotels are located within the Route 28 Corridor, most of which are Select Service hotels⁴ (See Map). There are additional hotels approved, but unbuilt along the Corridor as well.

The Retail Plan states that all applications for commercial retail rezonings must include a statement describing the catchment or market area to be served as well as a statement of justification that contains an analysis of existing and proposed competing projects (*Retail Plan, General Retail Policy 4*). The intent of this policy is to ensure that proposed retail uses are viable in the long-term and won't lead to an oversaturation of the market and an excess of total retail floor space in relation to the population served. The response to staff's comments provides that the applicant is not proposing destination retail uses; therefore, a market study is not needed. The Retail Plan calls for a market study to be submitted with all commercial retail rezonings and does not distinguish between the types of retail uses proposed. Furthermore, staff notes that Proffer IB2 provides that retail sales establishments may develop up to 50,000 square feet, with the exception of grocery stores, health and fitness centers, and specialty retail sales establishments offering merchandise and programs related to outdoor recreational uses and activities which may contain up to 80,000 square feet. Furthermore, Proffer IB2 permits freestanding retail to be located along the property's Pacific Boulevard frontage within Land Bays N and Q adjacent to the Route 28/Gloucester Parkway interchange, attracting “drive-by” shoppers. In addition, with the number of developed and approved hotels within the Route 28 Corridor, staff continues to have concerns regarding the amount of hotel square footage proposed. It appears that the retail and commercial service uses proposed will depend upon a more regional market in order to be economically viable and successful. There are also numerous competing retail developments existing or planned within the larger area that may provide similar types of retail in a mixed-use setting, including Dulles Town Center, University Center, One Loudoun, and Moorefield Station/Loudoun Station/Dulles Parkway Center II. A market study would be useful to help identify to what extent retail development will be feasible in this project over time, including the proposed hotel use(s). The analysis should include an assessment demonstrating what impacts, if any, the proposed retail and commercial service floor space will have on existing and approved developments within the market area.

The proposed retail and commercial service uses are not consistent with the type of uses anticipated for Keynote Employment Centers or Regional Office developments envisioned by the Revised General Plan. Staff requests that the

³ Full service hotel as proposed includes a sit-down restaurant, room service, concierge services and meeting rooms (Proffer IB3).

⁴ A Select Service – or Limited Service Hotel – is generally defined as a hotel without food and beverage service and with few or no amenities such as meeting facilities, pool, fitness center, business center, etc.

applicant provide a market study so that staff may assess whether or not the proposed retail uses and hotel use(s) are financially able to support themselves and not depend upon a population already served by existing and proposed developments.

E. DESIGN

As stated above, the proposed land uses are not consistent with Keynote Employment Centers; however, if the application is considered further it may be appropriate to apply the design objectives for mixed-use regional office developments to the northern portion of the property where a mixture of uses are proposed and the design objectives for Keynote Employment Centers to the southern portion of the property where primarily office uses are proposed. The site design for Keynote Employment Centers and Regional Office developments generally have the same characteristics where the office uses are the prominent features (*Revised General Plan*, Chapter 11, *Light Industrial and Regional Office Design Guidelines*). However, there are some fundamental differences such as, buildings within Regional Office developments should be placed close to the street with minimal setbacks rather than the heavily landscaped yards envisioned for Keynote Employment Centers (*Revised General Plan*, Chapter 11, *Light Industrial and Regional Office Design Guidelines*). The following design characteristics apply to both Regional Office and Keynote Employment developments:

- Rights-of-way designed in a hierarchical, rectilinear pattern of collector roads and local access streets and alleys;
- Streets that terminate at other roads and streets;
- Collector and local access streets that provide for pedestrian and vehicular movement, foreground and entryway into buildings, and interactive social space;
- The regular spacing and planting of trees with an overhead leaf canopy to reinforce spatial definition of the street space;
- Vistas at the end of streets terminating with centrally-placed building façades; and
- Parking located behind buildings, moved to the center of the block, and shared. Given their intensity, the County encourages structured parking for Keynote areas. Parking structures should also be placed in the middle of the block and screened from the street.

Additional characteristics of Keynote Employment Centers include:

- Larger front and side yards to permit extensive landscaping and design features, accentuating the larger-scaled structures; and
- Large-scale office uses should be the focus of the development rather than interrelationships of a group of uses.

Additional characteristics of mixed-use Regional Office developments include:

- Buildings should be placed close to the street with minimal setbacks to frame the street, creating a sense of visual enclosure for motorists and pedestrians;

- Major collector roads serving the development should be the location of larger-scaled structures, such as a corporate headquarters, or similar multi-storied buildings;
- Local access streets should have a variety of building types and details, transitioning downward in scale to be compatible with adjoining residential uses;
- A range of housing opportunities, including multi-family and single-family attached dwelling units, subordinate to the primary business function;
- Residential uses should have a full complement of services and amenities, including sufficient space in the form of neighborhood and community parks, greens, trails, and greenbelts;
- Residential uses should be of a scale comparable to the surrounding office uses; and
- Pedestrian amenities such as sidewalks, interesting public spaces and parks, and other design features to promote a blending of uses; (*Revised General Plan, Chapter 11, Light Industrial and Regional Office Design Guidelines & Chapter 6, Keynote Employment Center Policy 5*).

The July 23, 2009 Proffer Statement includes specific commitments to design objectives as well as consistency with the July 2009 Kincora Design Standards. While the Kincora Design Standards provide a lot of information it does not appear that many of the standards included in these design guidelines are consistent with the design standards included in the proffers as well as details shown on the submitted plats nor do they appear to be entirely enforceable as some of the standards appear to be no more than recommendations. Staff would like to meet with the applicant to further discuss the submitted design guidelines in further detail.

Streets and Blocks

The first referral recommended the applicant reduce the size of blocks, redesign the street network to ensure all streets terminate at other streets, and that all streets at their terminus include a building façade (including civic buildings), a public space, or other featured landmark to anchor the development and provide pedestrians a sense of place.

The Traffic and Pedestrian Circulation Plan (Sheet 16) shows block sizes for Land Bays A, B, F, and J that are not conducive to walkable communities. Short block widths, less than 200-300 feet can improve pedestrian circulation and comfort. A hierarchical, rectilinear network of interconnected streets, combined with smaller block sizes, allows for a better dispersion of traffic, offers a pedestrian-friendly environment, and provides multiple routes for pedestrians and bicyclists. The response to staff's comments provides that decreasing the size of the blocks will not enhance pedestrian movements any greater than will the extensive streetscape network proposed throughout Kincora. Staff does not feel that a streetscape design justifying greater block widths has been clearly demonstrated. Staff notes that the streetscapes as described in the June 2009 Design Standards provide that the clear movement zone within commercial areas shall be a minimum of five feet and four feet within residential areas. In addition, Proffer IVA

provides that private sidewalks will be a minimum of four feet and a minimum width of five feet for public sidewalks. Furthermore, Roads 1 and 2 adjacent to Land Bays A, B, F, and J are shown on the Typical Road Plans and Sections (Sheet 18) as four-lane, divided roadways with 12-foot travel lanes, no on-street parking and a pedestrian zone of 10 feet (76 feet of ROW). The wide roadways coupled with the longer block widths do not appear to promote pedestrian activity.

Staff also recommends changes to the road network. The Concept Plan should be revised to show Roads 8 and 9 aligned to create a full intersection with Roads 2 and 6. The proffered central plaza should be located at the terminus of Road 6 to provide a focal point for the community. Proffer VB provides that Roads 1, 2, and 6 will provide boulevard entrances into the mixed-use community and that a project identification feature similar in size and quality to the design shown on Sheet 21, Illustrative Amenity Concepts will be provided at the entrance from Pacific Boulevard to Road 2. Staff notes that the conceptual entrance feature shown on Sheet 21 is 20 to 30 feet in height. The proposed height is not in keeping with the pedestrian-scale development of a mixed-use community. More appropriate entrance features would include extensive landscaping, public art, water features, and other elements at a scale consistent with the pedestrian nature of the community.

Staff recommends the applicant reduce block widths for Land Bays A, B, F, and J. If block widths are not reduced, staff recommends the applicant commit to plazas, pocket parks, and similar features in the middle of the blocks greater than 600 feet to provide breaks within the block. Staff recommends revising the Concept Plan to align Roads 8 and 9 where they intersect with Roads 2 and 6. Staff recommends locating the public plaza at the terminus of Road 6 to provide a focal point for the community. Staff recommends a commitment to building façade (including civic buildings), a public space, or other featured landmarks at street termini to provide pedestrians and other users of the development a sense of place. Staff further recommends an enhanced entryway at the intersection of Road 2 with Pacific Boulevard that features extensive landscaping, public art, water features and other elements scaled appropriately.

Building Placement and Orientation

The submitted Design Standards include a section on Building Site Placement; however, as stated above the standards do not provide any enforceability and are more suggestions than expectations of how the property will develop. Staff notes that the standards provide that building frontages shall tend to align along the street at the property line, or front onto the surface parking lot and that strings of buildings will be developed in accordance with typical zero lot line condition requirements. To promote pedestrian activity buildings should be placed close to the street with maximum setbacks and the primary entrance should face the street rather than surface parking or parking structures. Based on the information provided it appears that Roads 2, 6, 8, and 9 (if realigned) will serve as the project's primary pedestrian streets, while Roads 1,

3, 4, 5, 7, 10, 11, and 12 will serve as the secondary pedestrian streets. Buildings that are setback far from streets with large surface parking lots placed at the front signals to the pedestrian that they are in an automobile-dominated environment that does not cater to pedestrian mobility and safety. For this reason, staff recommends a maximum building setback for all roadways within the development to ensure the focus is on the pedestrian rather than vehicular traffic. In addition, while the applicant has committed to a minimum of 50% of the buildings constructed on the property to consist of a vertical mix of uses consisting of at least two different categories such as office, residential, commercial, hotel and civic/institutional space (Proffer IJ), a commitment should include a certain percentage of vertically integrated buildings along the mixed-use community's primary pedestrian corridors (Roads 2, 6, 8, and 9).

To create an interesting and varied street environment, staff recommends the applicant commit to: 1)A maximum 20-foot setback for Roads 2, 6, 8, and 9, from front of curb, 2)A maximum 25-foot setback for all other roads, from front of curb, 3)Maximum building setback exclusions only for sidewalk cafes, outdoor plazas, courtyards, terraces, and other useable open space; 4)Building facades parallel to the right-of-ways along a minimum 80% of the length of the setback for Roads 2, 6, 8, and 9; 5)Face the principal entrance of buildings towards the street or a common gathering place; 6)Prohibit the main entrance of buildings on all streets from facing surface parking or a parking structure (although where appropriate, dual access from both the street and parking is encouraged); and 7)A minimum percentage of buildings located along Roads 2, 6, 8, and 9 should consist of vertically integrated uses.

Parking

Proffer VE provides that surface parking shall be screened from Pacific Boulevard with landscaping and a berm a minimum of 2.5 feet in height and that surface parking will be screened from internal roadways with landscaping and walls and/or other streetscape elements comparable in size and quality to the examples provided on Sheet 19. Staff notes that Sheet 19 is too dark to read. The proffers also commit to at least 50% of the required parking spaces located within parking structures at full build-out (Proffer VF).

As stated above, the design objectives for parking include locating behind buildings, at the middle of blocks, accessing parking through alleys, providing on-street parking for short-term visitors, and screening surface and structured parking from the street by office buildings, walls, hedges and street trees (Revised General Plan, Chapter 11, Light Industrial and Regional Office Design Guidelines). These objectives are designed to minimize the impact of parking on the streetscape and to promote a more comfortable, safe, and visually interesting pedestrian-oriented development.

Staff recommends the applicant commit to:

- Locating surface and structured parking for the blocks that include frontage on Roads 2, 6, 8, and 9 to the rear, limiting access through alleys or side streets. As

Roads 1, 2, and 6 are proposed as the main avenue or boulevard serving the mixed-use community a pedestrian corridor dominated by cars on either side of the pedestrian walkway does not provide a varied and visually interesting public realm, and also has the potential to increase curb cuts that create conflicts between pedestrians and vehicular movements. This will allow for more continuous building facades for the main boulevard or avenue.

- Prohibiting parking, either temporary or permanent, along the blocks fronting Pacific Boulevard, within any phase and incorporating extensive landscaping and entrance enhancement features along the roadway; and
- Parking that does not exceed what is required in the Zoning Ordinance.

Furthermore, staff notes the applicant has proffered to implement a Transportation Demand Management (TDM) program prior to the first zoning permit for office or residential use to help reduce peak hour vehicle trips to and from the site (Proffer IIK). The County encourages applicants to seek reductions in parking requirements if TDM strategies can be demonstrated to reduce trip making to and from the development (*Revised General Plan, Chapter 6, Suburban Parking Policy 2*).

Example of Linear Buildings Screening Parking



Source: www.miramartc.com

Staff recommends several revisions to parking, including: 1) Locating parking to the rear of blocks, accessed through alleys or side streets, for the blocks that include frontage on Roads 2, 6, 8, and 9; 2) Prohibiting parking, either temporary or permanent, along Pacific Boulevard in any phase and incorporating extensive landscaping and entrance enhancement features along the roadway; 3) Limiting

parking to no more than what is required in the Zoning Ordinance; and 4) Conduct a Traffic Demand Analysis (TDA) that can justify potential reductions in parking.

Provisions for Pedestrians and Bicyclists

Staff recommended the applicant revise the Concept Plan to show a bicycle and pedestrian network accommodating someone who wishes to bike or walk between any two points in the development and providing ample connections to a larger regional network. While the Concept Plan was revised to show a shared use path west of Pacific Boulevard, it is not shown east of Pacific Boulevard. In addition, Proffer IIC2 incorrectly states that the 10-foot wide trail along Pacific Boulevard will be provided on the east side.

Staff recommends updating the Traffic and Pedestrian Circulation Plan (Sheet 15) to include the bicycle and pedestrian trail along the north side of Gloucester Parkway east of Pacific Boulevard. The Typical Road Plans and Sections (Sheets 17 and 18) should also be updated to include the bicycle and pedestrian trail along Gloucester Parkway. Staff recommends revising Proffer IIC2 to accurately reference the 10-foot trail along the west side of Pacific Boulevard.

Sidewalks on both sides of internal roadways are shown on the Traffic and Pedestrian Circulation Plan (Sheets 15 and 16) and Proffer IVA provides that sidewalks will be constructed on both sides of Roads 1-12 as shown on Sheet 16. Staff notes that the proffer does not include Roads 13-17, which are shown with sidewalks on both sides on Sheet 15. It does not appear that any internal pedestrian access is proposed within Land Bay N. Furthermore, it does not appear that pedestrian access is provided from the parking areas to buildings within the development. A clear separation between vehicular and pedestrian traffic via a demarcated pathway with trees and other plantings should be provided. Proffer IVA1 provides that private sidewalks shall be a minimum of 4-feet wide and public sidewalks, subject to VDOT approval shall be a minimum of 5-feet wide. While Plan policies state that sidewalks should be at least 5 feet wide and separated from roadways and parking areas with a vegetated buffer (*Bicycle and Pedestrian Mobility Master Plan, Chapter 4, Recommended Walkway Types and Retail Plan, Design Guidelines, Building Placement and Design Policy 2*), staff recommends the applicant consider a more generous pedestrian corridor than specified in the Bike/Ped Plan to promote pedestrian access, comfort and safety, and to provide enhanced pedestrian buffers for the proposed mixed-use community within the northern portion of the subject property. Staff notes the June 2009 Design Standards provide streetscape design standards calling for the clear division of four fundamental spatial zones: 1) the building easement and maintenance zone; 2) the clear movement zone; 3) the street furniture zone; and 4) the passenger curb transition zone. However, other than the clear movement zone, which is proposed to have a minimum width of five feet in commercial areas and four feet in residential areas, no other minimum widths are included. Staff suggests the applicant consider standards recommended by the Federal

Highway Administration's National Highway Institute's Pedestrian Facility Design workbook for streets in the mixed-use community portion of the subject property (Publication No. FHWA-NHI-02-066, July 2002). These standards recommend a:

- Curb zone of ½ foot;
- Minimum 4 foot planter/furniture zone for streets trees and other amenities;
- 5-6 foot pedestrian zone, or sidewalk; and
- Frontage zone, adjacent to the building frontage, of 2.5 feet.

Staff also recommends the applicant consider a pedestrian corridor greater than 13 feet along Roads 2 and 6 to enhance the grander scale of the avenue or boulevard from the rest of the streets.

Staff recommends the applicant commit to more generous pedestrian corridors for streets within the mixed-use portion of the project (northern portion) than those specified in the Bike/Ped Plan. Staff recommends the applicant consider a minimum 13 foot pedestrian zone right-of-way on both sides of the street as recommended by the Federal Highway Administration's National Highway Institute. Staff further recommends the applicant consider a pedestrian corridor greater than 13 feet along Roads 2 and 6 to enhance the grander scale of the avenue or boulevard from the rest of the streets. To create a varied and diverse streetscape, staff recommends the applicant commit to streetscape requirements along Roads 2, 6, 8, and 9 that contain no curb cuts, except for the provision of hotel entrances, if applicable.

The plats should also be revised to show pedestrian access to and from all proposed uses as well as parking areas to ensure that the mixed-use development promotes pedestrian rather than vehicular activity. Proffer IVA should be revised to include sidewalks on both sides of Roads 13-17 as shown on Sheet 15 of the Concept Plan.

The submitted proffers (Proffers IID, IVA, and IVB) provide that trails located within the floodplain (the 8-foot wide trail on Sheets 15 and 16) will be constructed with pervious surfaces and raised boardwalks will be used where trails cross jurisdictional waters and/or wetlands, with the exception of the trail connection from Land Bay C to the heron rookery observation platform which may consist of impervious materials. The Plan calls for trails located within the river and stream corridor resource, which includes the floodplain, adjacent steep slopes, and the 50-foot management buffer, to consist of permeable materials only (Revised General Plan, Chapter 5, River and Stream Corridor Resource Policy 18g). While the heron rookery observation platform is not shown on the Concept Plan, the proffers do state that it will be located outside of the 700-foot Rookery Radius, but within the 1,400-foot Rookery Radius as depicted on the Concept Plan. The trail connecting Land Bay C to the heron rookery observation platform is also not included on the Concept Plan. Staff notes that the observation platform as well as a

trail connecting Land Bay C to the platform will be located within the river and stream corridor resource as defined by the Plan. The response to staff's comments provides that the proffers were revised committing to the construction of permeable trails within the river and stream corridor resource; however, the proffers were not revised accordingly.

Proffer IVA1 states that unless otherwise specified, asphalt trails shall be a minimum of 10-feet in width, while all other trails shall be a minimum of 6-feet in width. Staff notes that the pedestrian trail along the river and stream corridor resource as shown on the Traffic and Pedestrian Circulation Plan (Sheets 15 and 16) is shown as an 8-foot pervious trail, inconsistent with Proffer IVA1.

Staff recommends revising the proffers to state that all trails located within the river and stream corridor resource, as defined by the Plan will consist of a permeable material only. Proffer IVA1 and the Traffic and Pedestrian Circulation Plan (Sheets 15 and 16) should be revised to accurately show the width of the pedestrian trail located adjacent to the Broad Run, within the river and stream corridor resource.

Staff notes that the applicant has provided commitments to bicycle parking for all office, commercial, and residential buildings as well as shower facilities for buildings containing greater than 100,000 square feet of non-residential uses (Proffers IIK and IIK). While Proffer IIK refers to green building practices for office and residential buildings that are four or more stories, it also provides alternative transportation related elements such as bicycle parking and shower facilities that will be included throughout the property. Staff is unsure if it is the applicant's intent that bicycle parking and shower facilities as included in this proffer only pertain to office and residential buildings that are four or more stories or to all buildings within the development.

Staff requests further clarification regarding the alternative transportation related elements included in Proffer IIK. If it is the applicant's intent to provide bicycle parking and shower facilities (in buildings containing 100,000 square feet or greater of non-residential uses) throughout the project, staff recommends revising this proffer.

Residential Features

The applicant is proposing 1,400 multi-family dwelling units. It does not appear that a commitment to specific open space amenities serving the residents of the community has been included (See further Open Space discussion above). Furthermore, Sheets 11 and 13 show residential uses within Land Bay F. As Land Bay F is located adjacent to Pacific Boulevard and Route 28, any reference to residential land uses should be removed.

The Plan envisions a mix of housing types to include duplex, townhomes, and multi-family dwelling units. Staff recommends commitments to the size and location of active open space that will serve the residents of the community. A commitment to the types of amenities included within these open space areas should be provided as well. Staff further recommends removing any reference to residential uses from Land Bay F.

Retail Features

The Plan also provides guidance regarding the layout and architectural design of retail uses in the County (*Retail Plan, Design Guidelines*). The Plan calls for retail centers to provide a compact site design that makes the buildings, not the parking areas, the prominent feature of the site; exhibit a unity of design; provide usable outdoor spaces; adequately screen mechanical equipment; and provide substantial landscaping and buffering within parking areas and along street frontages (*Retail Plan, Design Guidelines*).

Proffer IB2 provides that free standing retail sales establishments shall not be located along the property's Pacific Boulevard frontage, except for in Land Bay N in the northwest quadrant of the Route 28/Gloucester Parkway interchange and in Land Bay Q. Proffer IB2 also provides that retail sales establishments located within multi-story office buildings that front on Pacific Boulevard will be oriented towards the west, except for retail sales establishments located in multi-story office buildings in Land Bays N and Q. Staff cannot support Freestanding Retail uses along the Pacific Boulevard/Route 28 frontage as these uses would serve communities within the County as well as communities outside the County and as such are not envisioned in Keynote Employment Centers. Furthermore, while Staff could support ground-floor retail uses within Land Bays N and Q orienting retail uses towards Route 28 or Gloucester Parkway suggests they are intended to serve a much larger area than the Plan envisions and may function more as destination retail than a truly employment supportive use.

The response to staff's comments provides that with the exception of the proposed grocery store and specialty sporting goods store, the remainder of the retail uses will be integrated into the ground floor of office, residential, and hotel uses. However, a commitment to ground floor retail uses with the exception of the grocery store and specialty sporting goods store has not been included with the submission materials. The response to staff's comments further provides that "Land Bays K, Q, N, and J will permit freestanding retail uses that will capitalize on the visibility and access benefits of these locations". Staff notes that this is also inconsistent with the submission materials. As stated above, the applicant is proposing retail and commercial square footage in excess of what is permitted in the Plan. While staff could be supportive of additional retail uses to support residential development (if it is permitted), commitments need to be provided to ensure retail uses are of a scale consistent with the Revised General Plan and Retail Plan as well as commitments to integration of the proposed retail uses.

Staff recommends revising the proffers limiting the size of retail uses to ensure they are of a scale that serves primarily the convenience needs of the business and residential uses. The proffers should also prevent freestanding retail and commercial service uses from being located along the Pacific Boulevard/Route 28 and Gloucester Parkway frontages. The application should also commit to design controls that ensure any free standing retail uses function appropriately as part of a pedestrian-oriented mixed-use development.

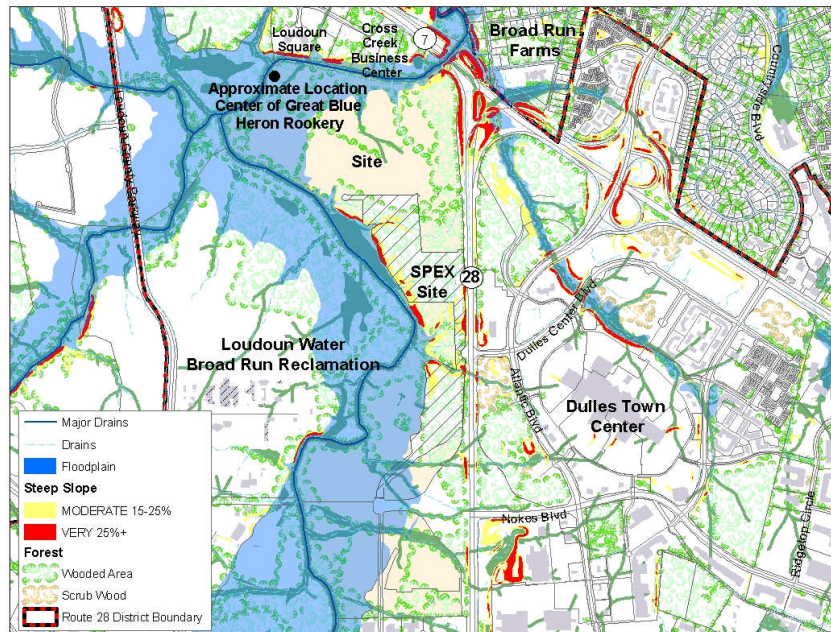
Retail and commercial service uses located in the ground floor of office buildings adjacent to Route 28, Pacific Boulevard, and Gloucester Parkway should be oriented away from these roadways so as not to attract “drive-by” shoppers. Retail uses should be integrated into office and residential buildings or located internal to the site and oriented towards the office and residential uses they are intended to serve. Staff recommends committing to retail uses internal to the site so as not to attract “drive-by” shoppers. Without commitments to the integration, scale, and intensity of retail and commercial service uses, staff cannot support retail uses above 136,110 square feet or 5% of the total office uses proposed.

F. EXISTING CONDITIONS

Staff notes with the Kincora Village – Office/Recreation Complex (SPEX 2008-0054), the applicant agreed to specific environmental conditions that applied to the subject property. Staff notes the submitted Concept Plan and associated proffers do not correspond with the environmental conditions approved with the Kincora special exception application and should be revised accordingly. Without this commitment the County cannot be assured that these environmental impacts will be mitigated.

Staff recommends revising the proffers and Concept Plan to be consistent with the conditions and Restoration Concept Plan approved with SPEX 2008-0054, Kincora Village – Office/Recreation Complex.

Existing Conditions



River and Stream Corridor Resources

The subject site's western and northern boundaries are defined by the Broad Run. The Broad Run is a green infrastructure element that is utilized as a natural separation of the communities of Sterling and Ashburn. The County seeks to enhance this natural separation through greenways and natural buffers (*Revised General Plan, Chapter 6, Open Space text*). The existing floodplain, with its vegetation, forested cover, wetlands, intermittent streams and steep slopes comprise a natural ecosystem that contributes to the overall health and quality of the Broad Run. Staff notes preservation of the Broad Run floodplain is a County priority (*Revised General Plan, Chapter 6, Green Infrastructure Text*).

Staff recommended the applicant delineate all the elements of the river and stream corridor as defined by the Plan and commit to locating development outside of this resource. The response to staff's comments provides that the Concept Plan has been revised to accurately depict the river and stream corridor elements as well as the proposed limits of the floodplain as proposed with the active floodplain alteration (FPST 2009-0004). Staff notes that in some locations on the Concept Plan the applicant has inaccurately delineated the river and stream corridor resource as a 100-foot buffer adjacent to the floodplain when there are adjacent steep slopes (slopes 25% or greater). The river and stream corridor resource in these locations should include the Broad Run, adjoining floodplains, adjacent steep slopes (slope 25% or greater) extending no farther than 100 feet beyond the floodplain, and the 50-foot management buffer. In addition, as the floodplain alteration is an active application, staff cannot

support any development within the river and stream corridor resource within Land Bays N and Q until this application is approved.

The response to staff's comments further provides that the only impacts to river and stream corridor resource are those activities that are permitted, such as roads and utilities. However, staff notes there are several locations on the Concept Plan where the limits of clearing and grading are shown impacting the river and stream corridor resource. Furthermore, as Note 8 on the Cover Sheet provides that the limits of clearing and grading are shown for illustrative purposes and are subject to modifications, staff is unsure whether impacts to the river and stream corridor resource will be greater than those currently shown on the Concept Plan. An Overall Floodplain Impact Plan (Sheets 26 and 27) has been included; however, the impacts as shown on these sheets do not correspond with the limits of clearing and grading as shown on the Concept Plan. Proffer IIF provides that except for the encroachments shown on the Concept Plan the river and stream corridor resource 50-foot management buffer will be preserved and remain in its natural state. To offset any impacts the applicant will replant open areas within or adjacent to the floodplain in an amount equal to the area impacted. Staff notes that the Concept Plan shows impacts to the river and stream corridor resource beyond just the 50-foot management buffer.

Proffer IIC provides that impacts to the floodplain area may also occur for the construction and installation of roads; trails; passive recreational facilities; community gardens; stormwater management and BMP facilities; on-site wetlands and stream mitigation and/or wetlands and stream mitigation banking; riparian reforestation, utilities; and telecommunications, fiber optic cable and similar facilities. The Plan does permit uses within the river and stream corridor resource provided the use supports and enhances the biological integrity and health of the river and stream corridor (Revised General Plan, Chapter 5, River and Stream Corridor Resources Policy 18). River and Stream Corridor Resources Policy 18 in Chapter 5 of the Revised General Plan includes all the uses that are permitted within the river and stream corridor resource. Staff notes that community gardens are not permitted uses within the river and stream corridor resource. Staff could support telecommunication, fiber optic cable and similar facilities locating within the river and stream corridor resource provided they are located in conjunction with utility corridors and do not expand the area of the utility corridor. While passive recreation is permitted within the river and stream corridor resource it is limited to permeable trails for hiking, biking, and horseback riding; picnicking; camping; climbing; hunting; fishing; and wildlife viewing (Revised General Plan, Chapter 5, River and Stream Corridor Resources Policy 18). While the response to staff's comments provides that Proffer IIC has been revised, the July 23, 2009 Proffer Statement included with the submission materials has not been updated with regard to the types of uses permitted within the river and stream corridor resource.

Staff recommends revising the submitted plats to include the accurate river and stream corridor resource boundary as called for in the Plan. Based on the

information provided, staff cannot accurately assess the potential impacts to the river and stream corridor resource as the Concept Plan, Floodplain Impact Plan, and proffers seem to conflict with each other. Proffer IIF should be revised to include mitigation of any impacts to the river and stream corridor resource rather than just the 50-foot Management Buffer. Staff does not support allowing floodplain alterations to achieve additional developable areas.

Proffer IIA establishes a 700-foot and 1,400-foot buffer surrounding the heron rookery as protection. Staff notes that the proffer precludes construction during the heron nesting season from within the 1,400 foot Rookery Radius as shown on Sheet 12 of the Concept Plan, or the 100-year floodplain boundary, whichever is less. Staff notes that in order to protect the herons during their nesting season construction should be precluded from the 1,400 foot Rookery Radius in its entirety.

Staff continues to recommend revising Proffer IIA to preclude construction activity from the area defined as the 1,400-foot Rookery Radius in its entirety during the heron nesting season.

Stormwater Management

The County promotes water conservation through low impact development (LID) techniques (Revised General Plan, Chapter 5, Surface Water Policy 2). LID uses natural vegetation and small-scale treatment systems to treat and infiltrate rainfall close to the source. LID's goal is to mimic a site's predevelopment hydrology by using design techniques that infiltrate, filter, store, evaporate, and detain stormwater runoff. LID locates water quality measures at the closest possible proximity to proposed impervious areas. Staff notes that the site contains highly permeable soils (soil mapping unit 94B, Allegheny Silt Loam), which offers low impact development potential. While the applicant has included Proffer IIC4biv providing that LID techniques will be provided where practicable, staff notes that pockets of soil mapping unit 94B could be maintained and preserved for infiltration measures, such as bioretention while also providing additional open space (see Open Space discussion above).

Staff recommends the applicant commit to LID techniques, such as the retention of pockets of soil mapping unit 94B for infiltration measures, such as bioretention.

Forests, Trees, and Vegetation

Staff recommended that all of the existing vegetation within the river and stream corridor resource and buffer areas be delineated as tree preservation areas. Staff further recommended that forest cover adjacent to wetlands and tributaries of the Broad Run outside of the river and stream corridor resource be preserved to the greatest extent possible. While some of the existing vegetation within the river and stream corridor resource, it does not appear that the tree preservation areas correspond with the riparian preservation areas as depicted on the Kincora Broad Run Restoration Concept

Plan approved with the special exception application. Note 8 on the Cover Sheet provides that areas of existing vegetation to be preserved are illustrative and subject to modifications.

Staff recommends updating the tree preservation areas to be consistent with the riparian preservation areas as shown on the Kincora Broad Run Restoration Plan. Staff further recommends removing Note 8 from the Cover Sheet as the submitted proffers allow for specific exceptions to tree preservation areas.

Historic and Archaeological Resources

Staff notes the addition of Proffer IVD pertaining to the Broad Run Toll House with this submission. Please refer to the interdepartmental referral regarding historic resources for the subject property.

Highway Noise

The applicant has updated Proffer IIH to correspond with the recommended noise levels as specified in the Revised General Plan and CTP; however, no information has been provided regarding how the applicant will mitigate noise impacts if they exceed the specified levels. The Plan calls for noise protection through the use of passive noise abatement measures such as adequate setbacks, earthen berms, wooden fences, and dense vegetation (Revised General Plan, Chapter 5, Highway Noise Policies 1 & 2, and CTP, Chapter 4, Noise Policies 3 & 4).

Staff recommends the applicant revise the proffers committing to passive noise abatement measures to mitigate any adverse highway noise impacts such as earthen berms and dense vegetation.

G. AFFORDABLE HOUSING/UNMET HOUSING NEEDS

The housing policies recognize that unmet housing needs occur across a broad segment of the County's income spectrum and the County seeks to promote housing options for all people who live and/or work in Loudoun County. Unmet housing needs are defined as the lack of housing options for households earning up to 100% of the Washington Metropolitan Area Median Income (AMI, \$102,700 effective March 19, 2009), (Revised General Plan, Glossary). Therefore, developers of residential and mixed-use projects are encouraged to include funding commitments and proffers to fulfill unmet housing needs in their development proposals (Revised General Plan, Chapter 2, CPAM 2007-0001, Countywide Housing Policies, Funding Policy 1).

The applicant has provided proffers committing to 6.25% of the total residential units, up to a maximum of 88 dwelling units as affordable dwelling units (Proffer ID) and 10% of the total residential dwelling units, up to a maximum of 140 dwelling units as "Work Force Housing Units" for purchasers or renters earning up to 100% of the Washington Metropolitan AMI (Proffer IE). Proffer IE also provides that if all or a portion of the project is exempt from the ADU requirements of Article 7 of the 1993 Revised Zoning

Ordinance then one workforce housing unit will be provided for each ADU that is not required, such that a total of 16.25% of the total units, up to a maximum of 228 units are provided as either workforce housing units or a combination of workforce housing units and ADUs. The Zoning Ordinance allows for an exemption of a commitment to ADU's for any multi-family dwelling unit structure with four stories or more having an elevator; therefore, it is very likely that all of the proposed residential dwelling units will be exempt from the ADU standards of Article 7. Staff notes that the applicant may provide all of the proffered 228 units as rental units for renters earning up to 100% of the Washington Metropolitan AMI. As Article 7 of the Zoning Ordinance provides that affordable for rent units should be affordable for rental households whose income is greater than 30% and less than 50% of the Washington Metropolitan AMI, staff recommends the applicant commit to similar requirements for any for rent workforce housing units to ensure that the unmet housing needs of the County are being met with the proposed application. Furthermore, the County encourages each development proposal to include a residential component that addresses the largest segment of unmet housing needs – those with incomes below 30% of the AMI (\$30,810).

Staff recommends the applicant revise the proffers stating that any workforce housing unit provided as a for rent unit will be provided for rental households whose income is less than 50% and for sale units for households earning up to 100% of the Washington Metropolitan AMI. Staff further recommends the applicant commit to a portion of the workforce housing units specifically serving housing needs for incomes below 30% of the AMI.

H. CAPITAL FACILITIES

Revised Capital Intensity Factors (CIFs) were adopted by the Board of Supervisors on July 21, 2009 and are applicable to any new rezoning or Concept Plan Amendment that has not yet been heard by the Planning Commission as of that date. CIF values for the Eastern area have been applied to this application. There is no pre-existing base density and there are no assurances that the project will develop with affordable dwelling units per Article 7 of the Zoning Ordinance; therefore, there are no deductions from the anticipated capital facility impacts. As stated above, no information has been provided regarding the location of specific land uses to determine the amount of land area devoted to the proposed uses (See Land Use Mix discussion above). Staff has calculated capital facility impacts based on the maximum amount of acreage within the northern portion of the site (25% or 45 acres) being developed with residential uses. The capital facilities impact of the proposed development is \$33,261,200 (see Attachment 1).

Staff recommends that the impacts of the proposed development be mitigated.

I. LAND EVALUATION

Staff notes the applicant has proposed dedication of a proposed public use site⁵ for which the applicant may receive capital facility credit. Please note that a performing arts center (Proffer IG) and the dedication of the floodplain area (Proffer IVC) are not consistent with County standards and therefore cannot receive capital facility credits. In accordance with CPAM 2006-0001, for the purposes of evaluating proffers for public use sites, the developer shall provide the County with an appraisal, by a County approved appraisal firm, for the per-acre value of land not requiring improvements by the developer. The appraisal of the market value of the site will be based upon comparison of properties with similar densities suggested by the Planned Land Use Designation in the Revised General Plan (*Revised General Plan, Chapter 3, Fiscal Planning and Public Facilities, Proffer Policy 8 and Chapter 11, Implementation, Proffer Guideline 5*).

An appraisal of the proposed public use site, in accordance with the Revised General Plan policies is necessary to complete the review of the capital facility impacts of the proposed development. The applicant should contact the Department of Planning for a list of approved appraisal firms.

J. OPEN SPACE PRESERVATION PROGRAM

In the Revised General Plan, sufficient open space is recognized as a key component to all development regardless of density. The County's program for obtaining open space comprises a "toolbox" approach with a number of mechanisms to ensure the adequate provision of active, passive, and natural open space in the County (*Revised General Plan, Chapter 11, Open Space text*). The Open Space Preservation Program is one of these tools for projects proposing the highest suburban density levels – from 3.5 to 4.0 dwelling units per acre for residential projects as well as those in high-density residential areas. To achieve these higher densities, the Board of Supervisors anticipates evidence of participation in the program through either dedication of land on an acre-by-acre basis or cash in lieu of the land for the purchase of open space.

The Plan sets forth different Open Space Proffer Guidelines for residential neighborhoods and high-density residential areas (*Revised General Plan, Chapter 11, Open Space Policy 3*). For residential neighborhoods, densities above 3.5 and up to and including 4.0 dwelling units per acre may be considered by the County in return for voluntary participation in the Open Space Preservation Program. For these types of projects, 1.0 easement is anticipated for every dwelling unit over a density of 3.5 dwelling units per acre. In contrast, for high-density residential areas, the Plan calls for 5% of all residential units associated with densities above 4.0 dwelling units per acre to result from the acquisition of an equivalent number of open space easements. The County anticipates that cash donations for open space will be spent in the Suburban Community in which the increased density is granted. Contributions should be

⁵ Please note, there are issues associated with the location of the proposed public use site as described above (See discussion River and Stream Corridor Resource discussion above).

provided to enable the County to purchase Suburban Policy Area open space to offset the density proposed by the development. In the past, the Board has historically accepted \$3,800 to \$5,000 per easement. The open space contribution for 61 easements would range from \$231,800 to \$305,000 for a high-density residential community (Attachment 2). The accepted contribution range of \$3,800 to \$5,000 per easement does not seem reasonable given current market values and the goal of purchasing open space within the Sterling Community.

The proposed project will potentially add 1,400 multi-family residential units in an area of the County where residential development is not envisioned or supported by Plan policies (see Land Use discussion above). Because the Plan does not anticipate the development of high-density residential uses on the subject site, it does not seem appropriate to calculate the number of anticipated open space easements using that methodology. To offset the demand created from the proposed increased concentration of residents in an area where residential development is not permitted the open space calculations for residential projects may be more appropriate in this case, which calls for a contribution of \$4,721,500 to \$6,212,500, based on 1242.5 easements (Attachment 3).

The response to staff's comments provides that the applicant is proffering to dedicate the 160-acre park along the Broad Run floodplain, for which open space credit should be granted. Staff notes that the applicant is receiving density credit for the acreage located within the floodplain as well as using the acreage to count towards 50% of the required open space component of the land use mix. The dedication of the floodplain area does not meet the intent of the open space preservation program and therefore, cannot be counted towards achieving the desired open space easements.

Staff recommends the applicant contribute land or provide an open space easement contribution consistent with Plan policy recognizing that the current market values to purchase open space within the Sterling Community may exceed the contribution range.

K. ZONING ORDINANCE, FACILITIES STANDARDS MANUAL, AND LAND SUBDIVISION & DEVELOPMENT ORDINANCE MODIFICATIONS

The applicant seeks to modify the Zoning Ordinance, Facilities Standards Manual (FSM), and the Land Subdivision & Development Ordinance (LSDO) to allow:

- a. A reduction in the maximum front yard setback from 30 feet to 150 feet for Land Bay N;
- b. A reduction in the rear yard from 5 feet to 0 feet;
- c. An increase in the building height from 75 feet to 150 feet along Pacific Boulevard and Route 28;
- d. A reduction in landscaping between parking lots and property boundaries from 10 feet to 6 feet;

- e. A reduction in street trees from one tree per 25 linear feet to one tree per 44 feet on-center where on-street parking is provided and 35 feet on-center where on-street parking is not provided;
- f. The provision of private streets when less than 75% of the structures are multi-story mixed use structures;
- g. A reduction in road jog center line offsets from 225 feet to 90 feet;
- h. A reduction in curb returns and/or curb cuts from 50 feet to 0 feet for roadways intersecting with a public or Category A private roadway;
- i. A reduction in the cross section easements for Category A roadways from 6 feet behind the face of curb to 0.5 feet;
- j. A reduction in the minimum curve radius for Category A1, A2, A3, A4, and A5 roadways from 110, 165, 338, and 478 feet to 50 feet;
- k. A reduction in the design speeds for Category A2, A3, A4, and A5 roadways from 25, 30, and 35 miles per hour to 20 miles per hour; and
- l. A reduction in the sight distances for Category A1, A2, A3, A4, and A5 roadways from 150, 200, and 275 feet to 100 feet;

Article 6 of the 1993 Revised Zoning Ordinance states that “no modification shall be approved unless the Board of Supervisors finds that such modification to the regulations will achieve an innovative design, improve upon the existing regulations, or otherwise exceed the public purpose of the existing regulation”. The applicant’s justification for the proposed modifications states that the “modifications will permit development of Kincora as a vertically-integrated and pedestrian-friendly, mixed-use business community that would not be possible if the site were developed in strict conformance with these provisions of the Zoning Ordinance, FSM, and LSDO”. Staff is unsure how the proposed modifications achieve an innovative design, improve upon existing regulations, or otherwise exceed the public purpose of the existing regulations. For instance, staff is unsure how a reduction in parking lot landscaping and street trees will increase pedestrian comfort. Furthermore, staff is concerned with the roadway modifications with regard to fire and rescue access. As outlined above, staff cannot support the proposal due to significant and fundamental land use issues.

L. PROFFER COMMENTS

- 1. Staff notes that several proffers refer to specific sheets, which are not proffered sheets per Proffer IA. For example, Proffer VIA provides that a minimum of five acres located in Land Bay N, as identified on Sheet 29 of the Concept Plan will be provided as a public use site; however, Sheet 29 is not a proffered sheet.
- 2. The applicant has included in the proffers conformance with several sheets including, Sheet 19, Typical Illustrative Site Furnishings; Sheet 20, Illustrative Streetscape Concepts; and Sheet 21, Illustrative Amenity Concepts. Staff notes that these sheets are difficult to read and are for illustrative purposes and questions the commitment to these sheets.
- 3. Proffer F1 provides that a minimum of 100,000 square feet of the 200,000 square feet of retail uses will consist of Employment Supportive Uses; however, staff notes that the proffer limits retail uses to a maximum of 195,000.

All other comments pertaining to the July 23, 2009 Proffer Statement are included above.

RECOMMENDATIONS

Community Planning staff does not support the application given the number of land use and site design issues discussed above. Staff recommends denial of the application as proposed.

ATTACHMENTS

- Attachment 1:** Capital Facilities Impact Analysis
- Attachment 2:** Open Space Preservation Program Analysis – High-Density Residential
- Attachment 3:** Open Space Preservation Program Analysis – Residential

cc: Julie Pastor, AICP, Planning Director
Cynthia Keegan, AICP, Program Manager

Attachment 2 - Open Space Preservation Program Analysis
ZMAP 2008-0021, Kincora Village Center

Based on the Open Space Proffer Guidelines of the Revised General Plan, the Board of Supervisors anticipates evidence of participation in the Open Space Preservation Program to achieve higher densities in mixed-use communities proposed for development in the Suburban Policy Area. The Plan states that "5% of all residential units associated with densities above 4.0 dwelling units/acre should result from the acquisition of an equivalent number of open space easements." The Plan provides guidelines for the location and types of open space desired to be provided or purchased with cash in lieu on a per unit basis (Revised General Plan, Chapter 11, *Open Space Guidelines*). For high density residential neighborhoods, 0.05 easements is anticipated for every dwelling unit over a density of 4.0 du/acre.

1. Number of Units Permitted at 4.0 du/acre
$$45.00 \text{ acres} \times 4 = 180$$

2. Number of Units Subject to Open Space Proffer Guidelines
$$1400 - 180 = 1220$$

3. Exempt Affordable Dwelling Units
$$1220 - 0 = 1220$$

4. 5% of Units over 4.0 du/acre
$$1220 \times 0.05 = 61$$

5. Total Units Linked to Open Space Preservation = **61**

6. Accepted Contribution Range: \$3,800 to \$5,000 per Easement

\$231,800 to \$305,000

Attachment 3 - Open Space Preservation Program Analysis
ZMAP 2008-0021, Kincora Village Center

Based on the Open Space Proffer Guidelines of the Revised General Plan, "residential densities above 3.5 and up to and including 4.0 dwelling units per acre may be considered by the County in return for voluntary participation in the open space preservation program." The Plan provides guidelines for the location and types of open space desired to be provided or purchased with cash in lieu on a per unit basis (Revised General Plan, Chapter 11, *Open Space Guidelines*). For residential neighborhoods, 1.0 easement is anticipated for every dwelling unit over a density of 3.5 du/acre.

1. Number of Units Permitted at 3.5 du/acre

$$45.00 \text{ acres} \times 3.5 = 157.5$$

2. Number of Units Subject to Open Space Proffer Guidelines

$$1400 - 157.5 = 1242.5$$

3. Exempt Affordable Dwelling Units

$$1242.5 - 0 = 1242.5$$

5. Total Units Linked to Open Space Preservation = **1242.5**

6. Accepted Contribution Range: \$3,800 to \$5,000 per Easement

\$4,721,500 to \$6,212,500

Attachment 1- Capital Facilities Impact Analysis (Eastern)
ZMAP 2008-0021, Kincora Village Center

TOTAL PROJECTED CAPITAL FACILITIES IMPACT

The total projected capital facilities impact of the proposed development is calculated using the approved capital intensity factors for the proposed unit mix. Revised Capital Intensity Factors (CIFs) were adopted by the Board of Supervisors on July 21, 2009.

<i>Housing Type</i>	<i>Total Number of Units</i>	<i>Capital Intensity Factors</i>	<i>Projected Capital Facilities Impact</i>
Single-Family Detached (SFD)	0	\$59,470	\$0
Single-Family Attached (SFA)	0	\$40,385	\$0
Multi-Family (MF)	1400	\$23,758	\$33,261,200
TOTAL	1400		\$33,261,200

1400 Total Units \$33,261,200 Total Projected Capital Facilities Impact

ANTICIPATED CAPITAL FACILITIES CONTRIBUTION

The anticipated capital facilities contribution of the proposed development takes into account Affordable Dwelling Units (ADUs) and the number of units permitted by the base density. According to a resolution passed by the Board of Supervisors on February 15, 2005, the base density and base unit type of a type of property should be calculated using the current zoning of the property.

1. Number of Market Rate Units Subject to Capital Facilities Proffer Guidelines

<i>Housing Type</i>	<i>Total Number of Units</i>	<i>Number of Proposed ADUs</i>	<i>Number of Market Rate Units</i>
Single-Family Detached (SFD)	0	0	0
Single-Family Attached (SFA)	0	0	0
Multi-Family (MF)	1400	0	1400
TOTAL	1400	0	1400

2. Capital Facilities Calculations for Market Rate Units

<i>Housing Type</i>	<i>Total Number of Market Rate Units</i>	<i>Capital Intensity Factors</i>	<i>Capital Facilities Calculations for Market Rate Units</i>
Single-Family Detached (SFD)	0	\$59,470	\$0
Single-Family Attached (SFA)	0	\$40,385	\$0
Multi-Family (MF)	1400	\$23,758	\$33,261,200
TOTAL	1400		\$33,261,200

3. Capital Facility Credit for Base Density Units assuming Single Family Detached Dwellings

<i>Zoning District</i>	<i>Acres</i>	<i>Density Permitted By-right (du/acre)</i>	<i>Base Density Units</i>	<i>Capital Intensity Factor</i>	<i>Capital Facility Credit for Base Density Units</i>
PD-IP	336.64	0	0	\$59,470	\$0
0	0.00	0	0	\$59,470	\$0
0	0.00	0	0	\$59,470	\$0
TOTAL			0		\$0

4. Anticipated Capital Facilities Contribution

\$33,261,200 - \$0 = \$33,261,200

\$33,261,200 Anticipated Capital Facilities Contribution